

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

BRENDAN BERGER,)	
)	
Plaintiff,)	Case No. 1:19cv00099
)	
v.)	Judge: Hon. Susan J. Dlott
)	Magistrate Judge: Hon. Karen L.
NATIONAL BOARD OF MEDICAL)	Litkovitz
EXAMINERS,)	
)	
Defendant.)	
)	

DECLARATION OF CHARLES WEINER

1. I am over 18 years of age and have personal knowledge of the matters addressed in this Declaration.

2. I am the lead attorney for the Plaintiff Brendan Berger in the above matter.

3. I have attached Exhibit 64 (PX000521), which I obtained from Mr. Berger.

4. During Mr. Berger's testimony at the Preliminary Injunction hearing, he was asked by counsel for Defendant whether he applied for accommodations for the GRE examination. July 29-N.T. 161:12-14.

5. Exhibit 64 reflects that the Educational Testing Service recently approved Mr. Berger's request for accommodations including 100% extended time.

6. I declare under penalty of perjury that the foregoing statements are true and correct.

Date: August 23, 2019

Respectfully submitted

/s/

Charles Weiner, Esquire
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Attorneys for Plaintiff, Brendan Berger

EXHIBIT 64



Brendan Berger <brendanberger@gmail.com>

*****BERGER, BRENDAN*****GRE GENERAL TEST TO BE SCHEDULED*** [Incident: 190815-001216]**

ETS Brands SSD <stassd@ets.org>
Reply-To: ETS Brands SSD <stassd@ets.org>
To: brendanberger@gmail.com

Thu, Aug 15, 2019 at 9:06 AM

Joberte P. @ 08/15/2019 09:06 AM:

Dear Mr. Berger,

You have been approved for the following accommodations for the GRE General test on Paper:

- **Paper Delivered Test**
- **MP3 Audio Test Format**
- **100% Extended testing time (double time) – 7 hours for the entire test (one day of testing)**
- **Breaks - Up to 30 minutes for the entire test (testing time stops)**
- **Multi-Day - testing over 2 consecutive days**
- **ETS supplied hand held spell checker**
- **Separate room**

Your application is good for one registration with accommodations. You have up to one year from the date of this email to take your test. Your scores will be available in your online account approximately four to six weeks after your scheduled test date.

Since you have been approved for an Alternate Test Format (ATF), your test must be administered at an ETS paper based testing center.

In order to schedule your exam, please provide me with two or three dates you are available to test, what college/university you would like to test at, and I will make every effort to arrange your test based on your preference. To assist you with locating a testing site, I have provided a link with a list of our paper based test centers. Please disregard the test dates listed. We will need at least two weeks advance notice from your preferred test dates.

Click on the link below

Under Search for Paper-delivered Test Centers select Subject Test

Select the country

Select the state or Territory

Please disregard the dates listed

https://www.ets.org/gre/revised_general/register/centers_dates/pdt_test_centers

Kindly email me at your earliest convenience at stassd@ets.org

Thank you,

Ms. Joberte Pierre

Disability Services

Toll free: 866-387-8602